

NOTE: CHANGES MADE BY
THE COURT

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. LA CR 12-01073-JAK
)	
Plaintiff,)	ORDER GRANTING AND FINDINGS OF FACT
)	RE: EXCLUDABLE TIME AND CONTINUANCE
v.)	OF TRIAL
)	
VICTORIA AYALA,)	Trial:
et al.,)	September 17, 2013 at 9:00 a.m.
)	
Defendant.)	Pretrial Conference:
)	September 5, 2013 at 8:30 a.m.

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT:

1. The defendants have indicated that discovery in this case is voluminous. Each of the defendants have indicated that they require further time to review the discovery in this case. Therefore, and pursuant to the stipulation of the parties, the Court finds that the period of time from June 12, 2012 through September 17, 2012 is a period of excludable delay because it is a period of delay requested by defendants and counsel for the government "on the basis. . . that the ends of justice served by taking such action outweigh the best interest of the defendant

1 and the public in a speedy trial within the meaning of 18 U.S.C.
2 § 3161(h)(8)(A). Specifically, the Court finds, pursuant to 18
3 U.S.C. § 3161(h)(8)(B)(ii), that the case is sufficiently complex
4 due to the number of defendants, the discovery materials
5 provided, and the nature of the prosecution "that it is
6 unreasonable to expect adequate preparation for pretrial
7 proceedings or for the trial itself within the time limits"
8 established by the Speedy Trial Act. The Court also notes that
9 defendants have indicated that they may pursue various pre-trial
10 motions, including suppression motions and, therefore, the time
11 period is excludable pursuant to 18 U.S.C. § 3161(h)(1)(D). The
12 Court notes that counsel for defendant Victoria Ayala has
13 recently been substituted; that counsel for defendant Manuel
14 Ochoa has been engaged in a lengthy trial; and that counsel for
15 defendant Noe Rojas has not had recent access to defendant Noe

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1 Rojas because of a lock-down of a portion of the detention
2 facility where defendant Rojas is housed. The court further
3 finds, pursuant to 18 U.S.C. § 3161(h)(8)(B)(i), that a failure
4 to grant such a continuance, as requested by each counsel, would
5 result in a miscarriage of justice in as much as counsel for each
6 defendant has indicated that they are insufficiently prepared for
7 trial.

8 THE COURT SO FINDS.

9 The currently scheduled status conference and jury trial are
10 ordered vacated. A new status conference is scheduled for August
11 8, 2013, at 8:30 a.m. to address progress in the case. A Final
12 Pretrial Conference is set for September 5, 2013 at 8:30 a.m. and
13 jury trial is scheduled for September 17, 2013 at 9:00 a.m.

14 DATED: June 21, 2013



HONORABLE JOHN A. KRONSTADT
United States District Judge